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Paper No. 9

In re Application of :
Yoshihiko Aikawa :
Application No. 10/080,570 : DECISION ON PETITION
Filed: February 25, 2002 :
Attorney Docket No D-1238 :
:

This is a decision on the petition filed by facsimile transmission on August 18, 2004, by which petitioner requests withdrawal of holding that this application stands abandoned for failure to file a proper and timely reply to the Office letter dated September 11, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that a timely and proper reply to the Office letter in question was in fact filed on December 8, 2003. Petitioner has supported this allegation by furnishing a copy of the reply, and a copy of a post card receipt for the reply that shows that the reply was received in the Office on December 8, 2003, a date within the period set for filing a reply to the Office letter in question. It is clear from this evidence that the application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply filed on December 8, 2003. At that time the change of address filed on August 18, 2004 will also be entered. Thereafter, the application will be forwarded to the examiner for immediate action on the reply filed on December 8, 2003.

PETITION GRANTED.

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